

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	ATTY'S DKT: BOLIGNANO1
)	
Dominique BOLIGNANO et al.)	
)	Conf. No. 9931
Appln. No.: 10/585,140)	
)	Washington, D.C.
I.A. Filed: December 16, 2004)	
)	June 2, 2008
For: METHOD FOR CONTROLLING)	
PROGRAM EXECUTION...)	Attn: PETITIONS

PETITION TO VACATE HOLDING OF ABANDONMENT

U.S. Patent and Trademark Office
Customer Service Window
Randolph Building, Mail Stop OIPE/Petitions
401 Dulany Street
Alexandria, VA 22314

Sir:

Applicant is in receipt of the Notice of Abandonment, mailed May 12, 2008, which **erroneously** states that the application is abandoned because of applicant's failure to file a response within the time period established by the Notification of Missing Requirements, mailed March 28, 2007.

It is respectfully requested that such Notice of Abandonment be vacated as being erroneous and that the present application be reinstated.

THE FACTS

Applicant timely and properly responded within the time period established by the Notification of Missing Requirements dated March 28, 2007, by timely filing a Response on May 29, 2007.

As evidence that such Response was timely and properly filed on May 29, 2007, attached hereto is a xerographic copy of the return postcard date-stamped by the PTO Mail Room as having been timely received by the PTO on May 28, 2007.

As it appears that the Response filed on May 28, 2007, has been lost by and in the PTO, attached hereto is a copy of the Response (entitled "Late Submission of Declaration and/or Translation in Application Filed under 35 USC 371) dated May 29, 2007, along with the accompanying papers.

REMARKS

In view of the above evidence, it is clear that a Response was timely and properly filed within the time period established by the Office Action mailed on March 28, 2007 and that the Notice of Abandonment has been issued in error. Indeed, the postcard by itself should be sufficient, as MPEP Section 503 states:

A postcard receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of receipt of the PTO of all items listed there on the date stamped thereon by the PTO.

It accordingly requested that the Notice of Abandonment be vacated and the present application be reinstated. Please charge any required fees relating to the notification of missing requirements to Deposit Account No. 02-4035.

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APPLICATION/PATENT NO: 10/555,140
DOCKET NO: BOLIGNANDI

CONF. NO.: 9931
CLIENT CODE: MOU

THE PATENT AND TRADEMARK OFFICE STAMP
HEREON ACKNOWLEDGES RECEIPT OF THE
FOLLOWING PAPERS:

- ☒ FEES \$ 515.00 PTO FORM 2038
☐ EXTENSION OF TIME (____ MONTHS)
☐ TRANSMITTAL LETTER
☒ MISSING PARTS RESPONSE WITH DECL
☐ AMENDMENT/RESPONSE (circle one)
☐ PRELIMINARY ☐ SUPPLEMENTAL
☐ APPLICATION DATA SHEET
☐ RESTRICTION/ELECTION REPLY
☐ SEQUENCE LISTING ☐ WITH DISK
☐ RCE TRANSMITTAL
☐ REQUEST FOR STATUS
☐ NOTICE OF APPEAL
☐ APPEAL BRIEF/REPLY BRIEF (TRIPPLICATE)
☐ REQUEST & CERTIFICATE OF CORRECTION
☐ OTHER _____



- ☐ ASSIGNMENT
☐ INFORMATION DISCLOSURE STATEMENT
☐ FORM SB08A & _____ PATENTS/
☐ PRIORITY DOCUMENT(S) NO. _____
☐ DECLARATION UNDER § _____
☐ _____ SHEETS OF FORMAL DRAWINGS
☐ ISSUE FEE TRANSMITTAL FORM
☐ PUBLICATION FEE
☐ MAINTENANCE FEE LETTER